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JUL 14 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
Request to Authorize Use of the)
406.025 MHz Frequency for Personal)
Emergency Locator Beacons (PLBs))

RM-8267

COMMENTS

Submitted by: Legislative/Regulatory Affairs Committee
Region 20 Public Safety Review Committee
Dr. Michael C. Trahos, D.O., NCE, CET - Chairman
4600 King Street, Suite 5N/4E
Alexandria, Virginia 22302

Date: July 14, 1993

I.

INTRODUCTION

1. Before the Federal Communications Commission (Commission) is a PETITION FOR RULE MAKING (Petition), filed by the Search and Rescue Satellite-aided Tracking (SARSAT) Operations Division of the National Oceanic and Atmospheric Administration (NOAA) on behalf of the Interagency Committee on Search and Rescue (ICSAR) (hereinafter Petitioner), requesting creation of new rules and regulations to allow authorized use of the 406.025 MHz frequency for PLBs to be carried by individual users.

2. On June 15, 1993, the Commission issued a PUBLIC NOTICE, report number 1945, requesting public comment on the Petition. The PUBLIC NOTICE further proposed to locate this new service under 47 CFR Part 97, the Amateur Radio Service (ARS).

3. Pursuant to the authority given by the Commission under the Report and Order in General Docket 87-112 1/, the Region-20 Public Safety Planning Committee was created to address the future communications needs and concerns of the PSRS users for Region-20. The obligations of that Committee included the submission to the Commission of a Region-20 Public Safety Radio Communications Plan (Region-20 Plan) 2/ and establishment of a Region-20 Public Safety Review Committee (Committee) to oversee its implementation.

4. Petitioner's proposal will have a positive impact on the Search and Rescue (SAR) operations within Region-20. This Committee, representing the PSRS/governmental constituents for Region-20, pursuant to 47 CFR 1.405 of the Commission's rules hereby submits the following timely Comments in support of this Petition.

II.

COMMENTS

5. This Petition represents the third attempt at allocating spectrum for emergency locator transmitter (ELT) devices to be carried by individuals. Historical review of the two prior efforts is integral to this Petition.

6. The first attempt came on November 29, 1971 when Aero Electronics Development Company, Inc. filed a Petition for Rule Making, RM-1905, to allow the use of an emergency locator beacon on the then Class D, 47 CFR Part 95, Citizens Radio Service (CRS) station. On July 23, 1974, the Commission adopted, in response to RM-1905 and others, a Notice of Proposed Rule Making, Docket No. 20120 FCC 74-804, regarding revision of operating rules for Class D stations in the CRS. The Commission ultimately did not adopt RM-1905.

7. The second attempt came on December 12, 1989 when the Commission adopted a Notice of Proposed Rule Making, PR Docket 89-599 FCC 91-74, regarding amendment of 47 CFR Parts 0, 1, 2, and 95 to establish a Personal Emergency Locator Transmitter Service (PELTS). This Committee supported PELTS 3/. However, the Commission again did not adopt PR Docket 89-599 do to lack of governmental/public/private support to promote an extensive watch and response system and development of narrowband PELTS technology at 220 MHz.4/

8. The important commonality between Docket No. 20120/RM-1905 and PR Docket 89-599 was that the proposed placement of these ELT services was to have been under 47 CFR Part 95. By locating ELTs under Part 95 of the rules, the Commission was fulfilling its obligation under the Communications Act of 1934, as amended (Act).

9. The Act requires the Commission to "provide services to the largest feasible number of users;"^{5/} That part of the

modify and insert ELTs under the existing Subpart A, the General Mobile Radio Service (GMRS), or create a new Subpart G entitled the new Personal Emergency Locator Transmitter Service.

12. Should the Commission further require (1) 406.025 MHz ELTs to employ low power 121.500 MHz homing transmitters 7/, (2) compliance with the technical standards of the Radio Technical Commission for Aeronautics (RTCA) Document No. RTCA/DO-204 8/ with a reduced spurious emission limit of -30dB 9/, (3) equipment certification (FCC notification rather than type acceptance) by a COSPAS/SARSAT laboratory and a second independent laboratory to meet the additional COSPAS/SARSAT 406 MHz Distress Beacon Type Approval Standard (C/S T.007) 10/, (4) mandatory registration of ELTs 11/ and (5) additional licensee entrance into a Memorandum of Understanding (MOU) with NOAA, Air Force Rescue Coordination Center (AFRCC) and appropriate state agency responsible for 406 MHz SAR operations 12/, then creation of a new 47 CFR Part 95, Subpart G PELTS would be more appropriate.

III.

CONCLUSION

11. Pursuant to Commission request for continued ICSAR guidance on the matter of PLBs 13/, Petitioner has submitted this Petition, RM-8267.

12. This Committee supports this Petition to authorize the use of the 406.025 MHz frequency for PLBs to be carried by individual users. However, limiting eligibility to only 47 CFR Part 97 licensees is too restrictive.

13. This Committee recommends expanding eligibility to all 47 CFR Part 97 and/or Part 95 Subpart A licensees or creation of a new 47 CFR Part 95 Subpart G entitled PELTS.

14. Commission adoption of a Notice of Proposed Rule Making pursuant to Petition RM-8267 and the Comment recommendations above is in the public interest.

Respectfully submitted,

Michael A. Fisher

IV.

FOOTNOTES

- 1/ REPORT AND ORDER, General Docket 87-112, FCC 87-359, Paragraph 4.
- 2/ WASHINGTON, D.C. METROPOLITAN AREA - REGION 20, General Docket 90-7, DA 90-28, January 17, 1990.
- 3/ REPLY COMMENTS, Technical Committee Region-20 Public Safety Planning Committee, PR Docket 89-599, April 19, 1990.
- 4/ MEMORANDUM OPINION AND ORDER, PR Docket 89-599, RM-6681, FCC 91-245, Paragraph 8.
- 5/ COMMUNICATIONS ACT OF 1934, Section 332 [47 U.S.C. 332] (a)(3).
- 6/ PETITION FOR RULE MAKING, RM-8267, May 28, 1993, Page 2.
- 7/ REPORT AND ORDER, PR Docket 92-125, FCC 93-216, Paragraph 7.
- 8/ Ibid., Paragraph 5.
- 9/ Ibid., Paragraph 9.
- 10/ Ibid.
- 11/ Ibid., Paragraph 10; also see PETITION FOR RULE MAKING, RM-8267, May 28, 1993, Page 2.
- 12/ PETITION FOR RULE MAKING, RM-8267, May 28, 1993, Page 2.
- 13/ MEMORANDUM OPINION AND ORDER, PR Docket 89-599, FCC 91-245, Paragraph 13.

V.

CERTIFICATE OF SERVICE

I, Dr. Michael C. Trahos, do hereby certify that a copy of these COMMENTS were sent by First Class U.S. Mail to the parties listed below on the day and date first above written.

1. Mr. James T. Bailey, Chief
SARSAT Operation Division
National Oceanic and Atmospheric Administration
Federal Building 4